

REMARKS

This amendment is submitted in reply to the Office Action dated January 9, 2007. Claims 1-16 currently stand rejected. Applicants have amended independent claims 1, 7-9 and 14-16 to more particularly distinguish the claimed invention from the cited references. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §102

Claims 1-3, 6-12 and 14-16 currently stand rejected under 35 U.S.C. §102(b) as being anticipated by Media Maaketeingu Syst KK (JP 11-019337, hereinafter "Nobuaki").

Applicants have amended independent claim 1 to recite, *inter alia*, sending one or more selected gaming parameters from the mobile phone to a remote server to remove the one or more selected gaming parameters from the mobile phone. In other words, the parameters are removed from the mobile phone for training and return in their modified state.

Based on a machine translation, it appears that Nobuaki discloses a gaming system in which DNA data is sent from a host computer (1) to a handheld game machine (3). The DNA data provides character data and information that will govern the development of the character at the handheld game machine. A player can then manipulate the character by performing various functions which cause the character to grow and change according to the care provided by the player at the handheld game machine.

The Office Action cites paragraphs 14 and 18 of Nobuaki as disclosing the claimed feature of sending one or more selected game parameters from the mobile phone to a remote server, at which, outside the control of the user of the mobile phone, training data is applied to the parameters to modify them. Paragraph 14 appears to describe a training function which, when executed, registers the current DNA data at the host computer, where changes to the DNA data are made. The changed DNA data may then be sent back to the handheld game machine. Nobuaki also refers to a character not existing on the handheld game machine side and that the

character may be taken out and return after that. Thus, it appears that the Office Action asserts that these sections mean that the registration of the DNA data coupled with the character not existing at the handheld game machine side reads on the previously claimed feature of applying training data to one or more gaming parameters at a server and outside the control of a user of the mobile phone. Meanwhile, paragraph 18 describes a travel function, the execution of which apparently causes the character to disappear from the handheld game machine during the travel period and return with a certain change.

However, as stated above, Applicants have amended independent claim 1 to clarify that the gaming parameters leave the mobile phone. Thus, unlike Nobuaki in which a continuous interaction between handheld game machine and host computer is a part of the game play to give care to the character, the claimed invention provides that the gaming parameters are actually gone from the mobile phone during the modification. Nobuaki fails to teach or suggest removal of the gaming parameters from the mobile phone as recited in the claimed invention. In particular, the registration of the DNA data at the host computer, according to Nobuaki, does not suggest that the DNA data is removed from the machine, but rather that a copy of the current DNA data is provided to the host computer for modification. The modified DNA data is then sent back to the handheld game machine to supersede the current DNA data, which is used for game play in the meantime.

Furthermore, Nobuaki's statements regarding the disappearance of the character from the handheld game machine does not suggest that the DNA data associated with the character is removed from the handheld game machine, but instead merely suggests that the game control makes accessing the character impossible during travel or certain training functions. The fact that the character is not displayed or accessible, is in no way suggestive that the DNA data is removed from the handheld game machine. Nobuaki provides no suggestion that the presence of the DNA data itself within the machine and the ability to view the character are in any way related. Rather, the removal of the ability to view the character is merely a game function which, absent DNA data, could likely not be performed. Thus, it appears from the machine translation of Nobuaki that the exchange and modification of DNA data is part of the game-playing experience and the DNA data is never removed from the handheld game machine. Accordingly,

Nobuaki fails to teach or suggest sending one or more selected gaming parameters from the mobile phone to a remote server to remove the one or more selected gaming parameters from the mobile phone as recited in independent claim 1.

Independent claims 7-9 and 14-16 are directed to methods, computer program products, a device and a system reciting substantially similar subject matter to that of independent claim 1 at least with respect to sending one or more selected gaming parameters from the mobile phone to a remote server to remove the one or more selected gaming parameters from the mobile phone. Thus, independent claims 7-9 and 14-16 are patentable for at least the same reasons given above for independent claim 1. Claims 2, 3, 6 and 10-12 depend directly from independent claims 1 and 9, respectively, and thus include all the recitations of their respective independent claims. Thus, dependent claims 2, 3, 6 and 10-12 are patentable for at least the same reasons given above for independent claims 1 and 9.

Accordingly, for all the reasons given above, the rejections of claims 1-3, 6-12 and 14-16 as being anticipated by Nobuaki are overcome.

Claim Rejections - 35 USC §103

Claims 4 and 5 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nobuaki in view of Fujioka et al. (U.S. Patent No. 6,270,402, hereinafter "Fujioka"). Claims 1-3 and 6-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bandai (JP 11-192384) in view of Nobuaki. Claims 4 and 5 also stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bandai and Nobuaki in view of Fujioka.

As stated above, Nobuaki fails to teach or suggest sending one or more selected gaming parameters from the mobile phone to a remote server to remove the one or more selected gaming parameters from the mobile phone as recited in independent claim 1. Fujioka also fails to teach or suggest the above recited feature and is not cited as such.

Bandai discloses a training simulation equipment (or workstation) used with a network for raising a virtual life object. The virtual life object participates in events on the network. However, as indicated at step (j) of claim 1 of Bandai, the workstation has a participating means for use in participation in the network events. Accordingly, even when the virtual life object is

participating in network events, the virtual life object is under the control of the workstation. Thus, even though Bandai refers to the transmission of data regarding the virtual life object to the network, such transmission does not remove gaming parameters from the workstation. Rather, similar to Nobuaki above, the transmission of data to the network is simply for enabling the network and the workstation to provide interaction to the user that is a part of the game-playing experience. Accordingly, Bandai also fails to teach or suggest sending one or more selected gaming parameters from the mobile phone to a remote server to remove the one or more selected gaming parameters from the mobile phone as recited in independent claim 1.

Since none of the cited references alone teach or suggest sending one or more selected gaming parameters from the mobile phone to a remote server to remove the one or more selected gaming parameters from the mobile phone as recited in independent claim 1, any combination of the cited references likewise fails to render independent claim 1 obvious for at least the same reasons described above. As stated above, independent claims 7-9 and 14-16 recite substantially similar subject matter to that of independent claim 1 at least with respect to sending one or more selected gaming parameters from the mobile phone to a remote server to remove the one or more selected gaming parameters from the mobile phone. Thus, independent claims 7-9 and 14-16 are patentable for at least the same reasons given above for independent claim 1. Claims 2-6 and 10-13 depend either directly or indirectly from independent claims 1 and 9, respectively, and thus include all the recitations of their respective independent claims. Therefore, dependent claims 2-6 and 10-13 are patentable for at least those reasons given above for independent claims 1 and 9.

For all the reasons stated above, Applicants respectfully submit that the rejections of claims 1-16 are overcome.

Appl. No.: 10/020,924
Amdt. dated 04/06/2007
Reply to Office action of 01/09/2007

CONCLUSION

In view of the amendment and the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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PATENT & TRADEMARK OFFICE ON APRIL 6, 2007.**

LEGAL02/30315719v1